



MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2017/2018

UCN 2612 – CONFLICT OF LAWS

(All Sections / Groups)

1 JUNE 2018
Reading Time : 9:00 a.m. – 9:15 a.m.
(15 Minutes)
Answering Time: 9:15 a.m. – 12:15 a.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
 2. This Question paper consists of **Three** pages with **Five** Questions only.
 3. Attempt either **QUESTION 1A OR QUESTION 1B**. **Questions Two to Four** are **compulsory**. All questions carry equal marks and the distribution of the marks for each question is given.
 4. Students are allowed to bring in **CLEAN** and **ORIGINAL** copies of the following statutes into the Examination Hall:
 - i) Reciprocal Enforcement of Judgment Act 1958.
 5. Please write all your answers in the Answer Booklet provided.

ATTEMPT EITHER**QUESTION 1A**

Classification of an issue is vital in the process of deciding the appropriate choice of law when competing laws classify laws in different ways.

Discuss the process of classification with regards to the prevailing theories in characterisation with the support of relevant case law.

(TOTAL: 25 Marks)

OR**QUESTION 1B**

Discuss the case of *Huntington v. Attrill* [1893] A.C. 150.

(Your discussion of the case should also include an analysis of the prevailing theories of characterisation applicable in determining the appropriate choice of law.)

(TOTAL: 25 Marks)

Continued...

ATTEMPT ALL QUESTIONS**QUESTION 2**

Aminahalamin is a Malaysian citizen who worked for Deutsches Wool Traders, a German company based in Germany. Last month she had lost her job as her contract was not renewed due to a cost cutting measure adopted by the company. She has since returned to Malaysia and has been offered a position as a consultant by Wolle Woolle Händler, a different German company involved in the same industry.

Aminahalamin wishes to accept the offer as she is familiar with the type of business and the German people. She also relishes the idea of working while being close to her aging parents in Malaysia. However, her severance package with Deutsches Wool Traders included a clause stating that she cannot work for another wool trading company based in the European Union. Aminahalamin now seeks your advice on the aforesaid issue.

Advise Aminahalamin as to whether this clause would be enforceable against her in the High Court of Malaya.

(TOTAL: 25 Marks)

QUESTION 3

Trace Carol's domicile.

Carol was born on January 1980 in Scotland, the legitimate child of Allen and Betty. Betty was born in Jamaica to parents both of whom were domiciled in Jamaica. In 1970, Betty's parents together with Betty and her sister, Jaime, migrated to England. In 1978, Betty met and married Allen. Allen was born in Scotland in 1940 to parents both of whom were domiciled in Scotland. In 1958, Allen came to England in search of work. He found a job and he has been very successful in his work. He has acquired a substantial property in England but would like to return to Scotland when he retires.

After their marriage, Allen and Betty lived together in England until 1980 when they separated. Betty, who was then eight months pregnant, went to stay with her sister, Jaime who was by then living in Scotland. Betty was unsure as to her future plans but thought it unlikely that she would return to England. When Carol was six months old, Betty decided to seek her fortune in America and leave Carol with her sister. Betty obtained the necessary visa by telling lies about her qualifications and so entered the United States illegally. In 1982 she found a permanent job in New York and has lived there ever since.

Carol has continued to live with her aunt in Scotland and has never seen Betty.

(TOTAL: 25 Marks)

Continued...

QUESTION 4

In modern law, it is quite unnecessary complication to have different conflict rules for intestate succession to movables and immovables. [Dicey and Morris, Conflict of Laws, 12th Edn, 1993]

Discuss. In modern law, it is quite unnecessary complication to have different conflict rules for intestate succession to movables and immovables. [Dicey and Morris, Conflict of Laws, 12th Edn, 1993]

Discuss.

(TOTAL: 25 Marks)

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